



February 13, 2015

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## SENATE BILL No. 71

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DIGEST OF SB 71 (Updated February 12, 2015 8:48 am - DI ck)

**Citations Affected:** IC 33-33.

**Synopsis:** St. Joseph circuit court magistrate. Provides that when the judge of the St. Joseph circuit court appoints a full-time magistrate, the judge may not consider the political affiliation of a candidate for magistrate. Provides that when the judges of the St. Joseph superior court jointly appoint a full-time magistrate and must consider the political affiliation of the appointee, the selection method concerning the political affiliation of the appointee must take into consideration: (1) the most recent primary election in which the appointee voted was a primary election held by the party with which the appointee claims affiliation; or (2) the appointee is certified as a member of that party by the party's county chairman for the county in which the appointee resides. Provides that meetings of the St. Joseph judicial nominating commission (commission) must be held at a place in: (1) the St. Joseph County courthouse; or (2) another building owned or operated by St. Joseph County; in South Bend as the clerk of the St. Joseph superior court may arrange. Provides that the commission shall act only by the concurrence of a majority of its members.

**Effective:** July 1, 2015.

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January 6, 2015, read first time and referred to Committee on Rules & Legislative Procedure.

February 12, 2015, amended; reassigned to Committee on Judiciary.

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SB 71—LS 6167/DI 13





February 13, 2015

First Regular Session 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

## SENATE BILL No. 71

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A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 33-33-71-3 IS AMENDED TO READ AS  
2       FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) The judge of the  
3       St. Joseph circuit court may appoint two (2) full-time magistrates under  
4       IC 33-23-5 to serve the circuit court. **In making an appointment**  
5       **under this section, the judge may not consider the political**  
6       **affiliation of a candidate for magistrate.**

7       (b) A magistrate continues in office until removed by the judge.  
8       SECTION 2. IC 33-33-71-36 IS AMENDED TO READ AS  
9       FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 36. (a) When a vacancy  
10      occurs in the St. Joseph superior court, the clerk of the court shall  
11      promptly notify the chairman of the commission of the vacancy. The  
12      chairman shall call a meeting of the commission within ten (10) days  
13      following this notice. The commission shall submit its nominations of  
14      five (5) candidates for each vacancy and certify them to the governor  
15      as promptly as possible, and not later than sixty (60) days after the  
16      vacancy occurs. When it is known that a vacancy will occur at a

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definite future date within the term of the serving governor, but the vacancy has not yet occurred, the clerk shall notify the commission immediately. The commission may within fifty (50) days of the notice of vacancy make its nominations and submit to the governor the names of five (5) persons nominated for the forthcoming vacancy.

(b) Meetings of the commission shall be called by the chairman or, if the chairman fails to call a necessary meeting, upon the call of any four (4) members of the commission. The chairman, whenever the chairman considers a meeting necessary, or upon the request by any four (4) members of the commission for a meeting, shall give each member of the commission at least five (5) days written notice by mail of the time and place of every meeting unless the commission at its previous meeting designated the time and place of its next meeting.

(c) Meetings of the commission must be held at a place in:

(1) the St. Joseph County courthouse; **or**

**(2) another building owned or operated by St. Joseph County;** in South Bend as the clerk of the St. Joseph superior court may arrange.

(d) The commission shall act only at a meeting and may act only by the concurrence of a majority of its members. ~~attending a meeting.~~ Four (4) members are required to constitute a quorum at a meeting. The commission may adopt reasonable and proper rules and regulations for the conduct of its proceedings and the discharge of its duties.

SECTION 3. IC 33-33-71-69, AS AMENDED BY P.L.127-2008, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 69. (a) The **superior** court may **jointly** appoint two (2) full-time magistrates under IC 33-23-5 to serve the court using the selection method provided by IC 36-1-8-10(b)(1) or ~~IC 36-1-8-10(b)(2); IC 36-1-8-10(b)(3).~~ Not more than one (1) of the magistrates appointed under this section may be a member of the same political party.

(b) A magistrate continues in office until **jointly** removed by the judges of the court.



## COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 71, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill be reassigned to the Senate Committee on Judiciary.

(Reference is to SB 71 as introduced.)

LONG, Chairperson

